

REMARKS

Prior to this amendment, claims 13, 14, 16-27 and 30 were pending. Claim 13 is canceled and no new claims are added herein. Thus, after entry of this amendment, **claims 14, 16-27 and 30 will be pending.**

Claim 16 is amended to depend from claim 14 in view of the cancellation of claim 13. Claim 16 is further amended to recite that the composition comprises the lipidated PsaA protein of claim 14 “and a pharmaceutically acceptable carrier or diluent.” Support for this amendment can be found in the original specification (see, for example, page 18, line 16; page 19, line 19; and page 20, line 7 to page 22, line 24). Claim 25 is amended to delete the phrase “or a fragment of a mature PsaA protein.” In the Advisory Action dated January 9, 2009, the Office indicated that the Amendment and Response filed November 20, 2008 was not entered. Therefore, the amendment to claim 25 is resubmitted with this paper.

No new matter has been introduced by these amendments. Applicants request that the amendments be entered as they place the application in better condition for allowance.

EXAMINER INTERVIEW

Applicants thank Examiner Swartz for the courtesy of a telephone interview with Applicants’ representative, Jodi L. Connolly, on November 18, 2008. During the interview, the pending enablement rejection was discussed. Examiner Swartz indicated that removal of the phrase “or a fragment of a mature PsaA protein” in claims 13 and 25 would obviate the enablement rejection. Claim 13 is canceled herein and claim 25 has been amended accordingly.

REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 13, 16-19 and 25-27 stand rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. The Office maintains that the claims lack enablement for producing the whole lipidated PsaA protein using a nucleic acid encoding a fragment of the protein. Although not in agreement with the Office’s assertion, and solely to advance prosecution of the application, claim 25 is amended herein to remove the phrase “or a fragment of a mature PsaA protein.” Claim 13 is canceled herein and claim 16 is amended to depend from claim 14, rendering the rejection moot as it pertains to claims 13 and 16-19. During the telephone interview of November 18, 2008, the Examiner indicated

that this amendment to claim 25 would be sufficient to overcome the enablement rejection. Therefore, Applicants request withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

OBJECTIONS UNDER 37 C.F.R. §1.75

The Advisory Action dated January 9, 2009 indicates that claim 14 is objected to as being a substantial duplicate of claim 13. In addition, claim 16 and new claim 31 are considered substantial duplicates of claims 13 and 14, respectively, because each claim recites only one component. Claims 17-19 are also considered substantial duplicates of new claims 32-34, respectively. Although Applicants disagree with the Office's conclusion, solely in an effort to advance prosecution of the application, claim 13 is canceled herein and new claims 31-34 (submitted in the Amendment and Response dated November 20, 2008, but not entered by the Office) have not been resubmitted with this response. Furthermore, claim 16 is amended to depend from claim 14 and to specify that the composition comprises the lipidated PsaA protein of claim 14 and a pharmaceutically acceptable carrier or diluent. Applicants believe these amendments obviate each of the objections raised in the Advisory Action. Accordingly, Applicants request withdrawal of the objections under 37 C.F.R. §1.75.

ALLOWED CLAIMS

The Office indicates claims 14, 20-24 and 30 are allowed. Applicants submit new claims 31-34 also are in condition for allowance.

CONCLUDING STATEMENT

It is respectfully submitted that the present claims are in a condition for allowance. Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Jodi L. Connolly/
Jodi L. Connolly, Ph.D.
Registration No. 54,044